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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC
USA CAPITAL DIVERSIFIED TRUST DEEF FUND,
LLC
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC
Debtors

Affects:
USA Commercial Mortgage Company

Case No.: BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

Judge Linda B. Riegle

**NOTICE OF HEARING ON
MOTION FOR APPROVAL OF
SETTLEMENT PURSUANT TO
RULE 9019 OF THE FEDERAL
RULES OF BANKRUPTCY
PROCEDURE**

Hearing Date: November 18, 2008
Hearing Time: 9:30 a.m.

NOTICE IS HEREBY GIVEN that a Motion for Approval of Settlement Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Motion") was filed on October 16, 2008 by the USACM Liquidating Trust (the "USACM Trust") [Dkt. No. 6571]. The Motion seeks entry of an order approving the Proposed Settlement¹ between the USACM Trust, J.M.K. Investments, Ltd., Simon Family Trust, Steven Portnoff, JWB Investments, Inc. Brouwers Family

¹ Unless otherwise defined, capitalized terms are used as defined in the Motion.

1 LP, Larry C. Johns, Mary L. Johns, Paul Bloch Living Trust, Roni Amid, Robert M. Portnoff,
2 Sarah Portnoff, Morningside Homes, Inc., Aurora Investments LP, Steven Janovitch, Linda
3 Janovitch, First Savings Bank FBO Valliera McGuire, Marvin & Valliera Myers Trust, Larry J.
4 Middleton, Jennifer Middleton, Alabruj Limited Partnership, and Francis Family Trust..

5 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
6 sought in the Motion, or if you want the Court to consider your views on the Motion, then you
7 must file an opposition with the Court, and serve a copy on the person making the Motion ***no later***
8 ***than 15 days*** after the date of this Notice. If the hearing date has been set on less than 15 days'
9 notice, then the opposition must be filed and served ***no later than 5 business days*** before the
10 hearing. The opposition must state your position, set forth all relevant facts and legal authority,
11 and be supported by affidavits or declarations that conform to Local Rule 9014(c).
12

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14 If you object to the relief requested in the Motion, you ***must*** file a **WRITTEN** response to
15 the Motion with the Court. You ***must*** also serve your written response on the person who sent
16 you this notice.

17 If you do not file a written response with the Court, or if you do not serve your written
18 response on the person who sent you this notice, then:

- 19
- 20 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
 - 21 • The Court may *rule against you* without formally calling the matter at the hearing.

22 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before
23 the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building,
24 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada
25 89101 on **Tuesday, November 18, 2008, at 9:30 a.m.**
26

1 Dated: October 16, 2008

2 **DIAMOND MCCARTHY LLP**

3 By: /s/ Stephen T. Loden
4 Allan B. Diamond, TX 05801800 (pro hac vice)
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Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 16th day of October 2008, I served a true and correct copy of the foregoing **NOTICE OF HEARING ON MOTION FOR APPROVAL OF SETTLEMENT PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE** by electronic transmission to all parties on the Post Effective Date Service List and counsel for all Defendants as set forth below:

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